

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
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R 270800Z MAY 77
FM AMCONSUL DURBAN
TO SECSTATE WASHDC 2580
INFO AMCONSUL CAPE TOWN
AMEMBASSY PRETORIA
AMCONSUL JOHANNESBURG
AMEMBASSY MASERU

C O N F I D D N T I A L DURBAN 0328

E.O. 11652 N/A
TAGS: PINT, SF (TRANSKEI)
SUBJECT: NEW SECURITY LAW INTRODUCED IN TRANSKEI ASSEMBLY

REF: DURBAN A-39

BEGIN UNCLASSIFIED

1. A NEW, COMPREHENSIVE AND REPRESSIVE SECURITY ACT WAS INTRODUCED IN THE TRANSKEI NATIONAL ASSEMBLY ON MAY 12. THE ACT, WHEN PASSED, WILL REPEAL ALL EXTANT SOUTH AFRICAN LEGISLATION RELATING TO INTERNAL SECURITY IN TRANSKEI, INCLUDING THE SUPPRESSION OF COMMUNISM ACT AND THE BANTU ADMINISTRATION ACTS AND THEIR NUMEROUS AMENDMENTS AS WELL AS PROCLAMATION R400 AND R413. IN THEIR PLACE WILL BE AN OMNIBUS BILL ENTITLED THE PUBLIC SECURITY ACT OF 1977, WHICH, AS DRAFTED, WILL CARRY-OVER NEARLY ALL OF THE MORE NOTORIOUS FEATURES OF THE "REPEALED" SAG LEGISLATION AND ADD ON SOME PURELY TRANSKEI WRINKLES TO INSURE THAT NO ONE QUESTIONS THE SOVEREIGNTY OF THE STATE. THE ACT WAS DRAFTED BY WHITE SOUTH AFRICANS SECONDED TO THE GOT AND IS NOT YET AVAILABLE IN XHOSA, THE ONLY LANGUAGE OF MANY MEMBERS OF THE ASSEMBLY. THERE HAS BEEN VOCAL OPPOSITION IN THE ASSEMBLY
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TO THE TERMS OF THE BILL AS WELL AS TO THE WAY IT IS BEING WHISKED THROUGH THE ASSEMBLY. HOWEVER, GIVEN PRIME MINISTER MATANZIMA'S GENERALLY FIRM CONTROL OF THE ASSEMBLY, THE BILL IS LIKELY TO BE PASSED WITHOUT SIGNIFICANT MODIFICATIONS.

2. THE SALIENT FEATURES OF THE PROPOSED LEGISLATION ARE:
-- ANY ORGANIZATION BANNED BY THE SAG LEGISLATION BEING

REPEALED BE ALSO BANNED UNDER THE NEW ACT, THOUGH THE SPECIFIC ORGANIZATIONS AREN'T MENTIONED. THIS MEANS, INTER ALIA, THAT THE ANC AND PAC WILL CONTINUE TO BE BANNED IN TRANSKEI.

-- DETENTION WITHOUT TRIAL, HOUSE ARRESTS AND BANNINGS ARE PERMITTED BY MINISTERIAL EDICT.

-- IT IS A TREASONOUS OFFENSE, CARRYING THE DEATH PENALTY, FOR ANYONE TO QUESTION THE SOVEREIGNTY OF THE STATE, THOUGH THIS IS NOT RETROACTIVE TO INDEPENDENCE AS MATANZIMA ONCE THREATENED IT WOULD BE.

-- "COMMUNISM" IN ANY GUISE OR FORM IS ABSOLUTELY PROHIBITED.

-- SABOTAGE AND TERRORISM, BROADLY DEFINED, CARRY A DEATH PENALTY.

-- NO PERSON MAY CAUSE HOSTILITY AMONG POPULATION GROUPS.

-- THE AUTHORITY OF TRADITIONAL CHIEFS ARE CONFIRMED AND PROTECTED.

-- NO ONE MAY PROTEST AGAINST OR TRY TO MODIFY ANY LAW.

-- ANY COMMUNIST PUBLICATION OR PUBLICATION OF ANY BANNED GROUP, WHICH MEANS THE ANC OR PACN IS BANNED.

-- MASS GATHERINGS MAY BE PROHIBITED.

-- THE PRESIDENT MAY PROCLAIM A STATE OF EMERGENCY AND, IN EFFECT RULE BY DECREE, WITH BROAD POWERS OF ARREST AND DETENTION.

-- NO CIVIL ACTION MAY BE BROUGHT AGAINST ANY GOVT OFFICIAL FOR ANY ACT HE MAY COMMIT UNDER THIS LEGISLATION, PARROTING A RECENT SAG LAW TO THE SAME EFFECT.

3. BEGIN CONFIDENTIAL: IT IS POSSIBLE THE INTRODUCTION OF THIS ACT, WITH ITS PROHIBITION ON THE ANC AND PAC ACTIVITIES IN TRANSKEI, WILL FORCE A CONFRONTATION BETWEEN FINANCE MINISTER TSEPO LETLAKA AND MATANZIMA. LEMA, A FORMER MEMBER OF THE ANC WHO ONLY
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AGREED TO RETURN TO TRANSKEI IN 1975 AFTER MATANZIMA PROMISED HIM THAT AN INDEPENDENT TRANSKEI WOULD PERMIT ANC AND PAC TO OPERATE WITHIN ITS BORDERS, IS NOW REPORTED TO BE CONSIDERING LEAVING TH CABINET AND FORMING HIS OWN OPPOSITION PARTY. OUR SOURCES INDICATE HE IS UPSET BY THE NEW LEGISLATION AND FEELS BETRAYED BY MATANZIMA. HE IS SEEN BY KNOWLEDGEABLE OBSERVERS AS THE ONLY PERSONALISTY NOW IN THE TRANSKEI GOVERNMENT WITH THE ABILITY AND POPU-

LAR SUPPORT TO OPPOSE MATANZIMA (REFAIR). HIS INTENTIONS AND PROSPECTS ARE DIFFICULT TO ASSESS FROM AFAR, BUT , SHOULD LETLAKA BREAK WITH THE GOVERNMENT, MATANQIMA MAY BE CONFRONTED WITH A CHALLENGE TO HIS POLITICAL CONTROL OF TRANSKEI.

FARBER

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